

Amendment No. 1 to SB1789

Kelsey
Signature of Sponsor

AMEND Senate Bill No. 1789

House Bill No. 1396*

by deleting all language after the enacting clause and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 36-5-701, is amended by adding the following as a new, appropriately designated subdivision:

() "Restricted license" means a license that allows a person to operate a motor vehicle for the limited purposes of going to and from and working at the person's regular place of employment and going to and from the person's school and does not include a commercial driver license of any kind;

SECTION 2. Tennessee Code Annotated, Section 36-5-702(a), is amended by deleting the language "denial, or suspension" and by substituting instead the language "denial, suspension or restriction".

SECTION 3. Tennessee Code Annotated, Section 36-5-702(b)(1), is amended by deleting the semicolon at the end of the subdivision and by substituting instead the following:

, which may include eligibility for a restricted license pursuant to § 36-5-714;

SECTION 4. Tennessee Code Annotated, Section 36-5-702(b)(6), is amended by deleting the language "or refuse to issue or reinstate a license" and substituting instead the language "refuse to issue or reinstate a license or issue a restricted license".

SECTION 5. Tennessee Code Annotated, Section 36-5-705, is amended by redesignating the current language as subsection (a) and by adding the following subsection (b):

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(b) The department shall certify in writing or by electronic data exchange to the department of safety that an obligor is not in compliance with an order of support but is eligible for a restricted license if the department enters into an agreement that includes eligibility for a restricted license, pursuant to § 36-5-714.

SECTION 6. Tennessee Code Annotated, Section 36-5-706, is amended by deleting subsection (a) and by substituting instead the following:

(a) Notwithstanding any other law, rule or regulation to the contrary, the certification from the department under § 36-5-705 shall be a basis for the denial, suspension or revocation of a license, for refusal to issue or reinstate a license by a licensing authority or for the issuance of a restricted license.

SECTION 7. Tennessee Code Annotated, Section 36-5-706(b), is amended by deleting the subsection in its entirety and by substituting instead the following:

(b) The licensing authority shall notify, without undue delay, by regular mail, an obligor certified from the department under § 36-5-705, that:

(1) The obligor's application for the issuance, renewal or reinstatement of a license has been denied;

(2) The obligor's current license has been suspended or revoked because the obligor's name has been certified by the department as an obligor who is not in compliance with an order of support; or

(3) The obligor's current driver license has been revoked because the obligor's name has been certified by the department as an obligor

who is not in compliance with an order of support but eligible for a restricted license. The notice shall include information on the process for obtaining a restricted license and paying any restricted license fee required by the department of human services.

SECTION 8. Tennessee Code Annotated, Section 36-5-706(d), is amended by deleting the word “revoke” and by substituting instead the language “revoke, restrict”.

SECTION 9. Tennessee Code Annotated, Section 36-5-707, is amended by deleting the word “revocation” wherever it appears and by substituting instead the language “revocation, restriction”.

SECTION 10. Tennessee Code Annotated, Section 36-5-707, is further amended by deleting the word “revoked” in subdivision (b)(1) and substituting instead the language “revoked, restricted”.

SECTION 11. Tennessee Code Annotated, Section 36-5-711, is amended by deleting the language “suspended” and by substituting instead the language “suspended, restricted”.

SECTION 12. Tennessee Code Annotated, Title 36, Chapter 5, Part 7, is amended by adding the following as a new section:

36-5-714.

(a) If the obligor attempts to enter into a satisfactory arrangement with the department for the payment of arrears, the department may permit the obligor to be eligible for a restricted license for the purpose of driving to and from and working at the obligor’s regular place of employment and going to and from the obligor’s school.

(b) In order to be eligible for a restricted license pursuant to subsection (a), the obligor shall:

(1) Be employed for at least thirty (30) hours per week;

(2) Have a place of employment or school that is located more than one (1) mile from the obligor's place of residence;

(3) Show that the employment or educational endeavor can reasonably be expected to contribute to bringing the obligor into compliance with the support order in a timely manner;

(4) Enter into a payment plan that is satisfactory to the department; and

(5) Pay the restricted license fee required by subsection (f).

(c) If at any time the department finds the obligor is no longer in compliance with the requirements of the agreement, the obligor shall be subject to license revocation pursuant to this part.

(d) Nothing in this section shall prohibit a licensing authority from denying, suspending or revoking any license other than a license to operate a motor vehicle when an obligor is found eligible to receive a restricted license.

(e) Any time an obligor, who is eligible for a restricted license due to an agreement with the department, operates a motor vehicle, the obligor shall maintain in the obligor's possession the agreement stating the restrictions to be placed on the license. An obligor who operates a motor vehicle without the agreement in the obligor's possession or outside the restrictions imposed by the agreement shall be considered to be driving while the obligor's driver license is revoked pursuant to § 55-50-504.

(f) The department shall charge a restricted license fee, not to exceed thirty dollars (\$30), the proceeds of which shall be used to implement this section. The department shall annually review the fees collected pursuant to this subsection (f) and the costs of implementation to determine the need for a reduction or increase in the fee. The commissioner is authorized to promulgate

rules to effectuate the purposes of this subsection (f). All such rules shall be promulgated in accordance with Tennessee Code Annotated, Title 4, Chapter 5.

SECTION 13. This act shall take effect July 1, 2015, the public welfare requiring it.